

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Lancaster and Pickerington, Ohio)

)
) Federal Communications Commission
) Office of Secretary
) MB Docket No. 03-238
) RM-10820
)
)

To: The Secretary
Attention: Assistant Chief, Audio Division, Media Bureau

MOTION TO ACCEPT
STATEMENT FOR THE RECORD
AND REPLY TO FURTHER COMMENTS

Franklin Communications, Inc. ("Franklin"), licensee of Station WJZA, Channel 278A, Lancaster, Ohio, respectfully moves the Assistant Chief, Media Bureau, to accept its concurrently-filed Statement for the Record and Reply to Further Comments filed March 1, 2004, by North American Broadcasting Co., Inc. ("North American") on the *Notice of Proposed Rule Making*, DA 03-3648, released November 17, 2003 ("NPRM") that proposes to (a) reallocate Channel 278A from Lancaster, Ohio, to Pickerington, Ohio and (b) modify the WJZA license to specify operation on Channel 278A at Pickerington, Ohio.

The Commission should consider Franklin's Statement and Reply to Further Comments on the merits in this proceeding as a matter of due process pursuant to its discretion under Section 1.415(d) of the Commission's Rules. In its Statement and Reply to Further Comments, Franklin addresses *new matters* that have arisen since January 30, 2004, the date on which reply comments were due in this docket. Specifically, Radio


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Stations WPAY/WPFB, Inc., licensee of WPAY-FM, Portsmouth, Ohio, on November 16, 2004, filed an application (File No. BMPH-20041116ACO) to modify its existing construction permit to build a full Class C facility at WPAY-FM's existing licensed transmitter site. North American's pending application (File No. BPH-20040108ALM) to modify the facilities of WEGE, Westerville, Ohio, is in conflict with the WPAY-FM application. North American's application for WEGE was filed as a counterproposal to Franklin's rule making proposal to reallocate WJZA from Lancaster to Pickerington, Ohio. The Supplement shows that as a defective counterproposal, the WEGE application must be dismissed.

Good cause having been shown, Franklin respectfully requests the Assistant Chief, Audio Division, to accept and consider the arguments made in Franklin's Statement for the Record and Reply to Further Comments.

FRANKLIN COMMUNICATIONS, INC.

By: 
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Its Counsel

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November 18, 2004

CERTIFICATE OF SERVICE

I, Tamara J. Fontana, hereby certify that copies of the foregoing Motion to Accept Statement for the Record and Reply to Further Comments were this 18th day of November, 2004, sent via First Class Mail, postage pre-paid (or by hand delivery, if so indicated), to the following:

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